

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

MANUEL S. ALVAREZ,

Plaintiff,

v.

**1:06-CV-745
(FJS/RFT)**

**CHARLES HAYWARD; WILLIAM NADER;
and THE NEW YORK STATE RACING
ASSOCIATION, INC.,**

Defendants.

APPEARANCES

OF COUNSEL

COOPER ERVING & SAVAGE LLP

PHILLIP G. STECK, ESQ.

39 North Pearl Street, 4th Floor
Albany, New York 12207
Attorneys for Plaintiff

SCULLIN, Senior Judge

ORDER

Currently before the Court is Plaintiff's motion for an Order that Defendants show cause "why a preliminary injunction pursuant to Federal Rules of Civil Procedure 65 should not be issued ordering that [Plaintiff's] NYRA credential be reinstated and ordering that NYRA cease barring [Plaintiff] from his place of employment at Saratoga Race Course . . . AND . . . [p]ending a hearing and determination of the present application, [ordering] said defendants, their agents, servants, employees or any other person acting on their behalf, . . . to reinstate [Plaintiff's] credential and cease barring [Plaintiff] from his place of employment at Saratoga Race Course." See Dkt. No. 3, Order to Show Cause with A Request for Temporary Relief, at 1-2.

After reviewing Plaintiff's papers, the Court hereby

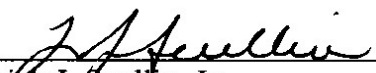
ORDERS that Plaintiff's motion for a Temporary Restraining Order is **DENIED**; and the Court further

ORDERS that Plaintiff serve a copy of this Order on Defendants' counsel **by personal delivery or overnight mail** on or before **5:00 p.m. on June 19, 2006**; and the Court further

ORDERS that Defendants file their papers in opposition to Plaintiff's motion for a preliminary injunction using the Court's electronic filing system on or before **12:00 noon on June 26, 2006**; and the Court further

ORDERS that Plaintiff file his papers in further support of his motion for a preliminary injunction, if any, using the Court's electronic filing system on or before **12:00 noon on June 30, 2006**. After receiving the parties' papers, the Court will decide if a hearing is necessary and if one is necessary will notify the parties accordingly.¹

Dated: June 19, 2006
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge

¹ The Court advises the parties that if a hearing is necessary, the Court will hold that hearing on either **July 5, 2006**, or **July 6, 2006**, in **Albany, New York**, so counsel should have any witnesses whom they intend to call in support of their respective positions available to testify on both of those days.